

Keeping CIA secrets

ATTORNEY GENERAL Griffin Bell has made a risky but necessary decision to go to court to establish whether the secrecy oath that all CIA agents sign is legal or not.

The target of Bell's lawsuit is Frank Snepp, a former CIA analyst whose book about the fall of Saigon, "Decent Interval," was not submitted to the agency for clearing despite his written pledge to do so.

"If that contract isn't valid," Bell said, "we and everyone ought to know it. If it is valid, then we think it ought to be enforced. There's something wrong with the system when people can back down on their contracts at will."

Snepp will be defended by Alan Dershowitz of the Harvard Law School, a noted civil liberties lawyer. Bell's gamble could backfire if the courts decide that the CIA contract is a "prior restraint" on information and thus a violation of constitutional guarantees of a free press.

In that event, the CIA would be unable to enforce its secrecy contracts and its present trickle of security leaks could become a torrent.

If, however, Bell convinces the courts that a contract is a contract, the CIA would have a potent weapon to discourage agents from spying and telling. And since some 800 clandestine agents now are being fired, a ruling is urgent.

Our own feeling is that when a CIA recruit signs a secrecy agreement as a condition of employment, he ought to keep his word. Certainly he expects the agency to keep its word to him about pay, pensions and other benefits.

However, if the agency does get a stranglehold on what former employees can reveal, it may be able to cover up its own blunders and illegalities. And the memory is too fresh of the CIA's lawless domestic spying, mail-opening and drug testing for it to have cover-up power.

Clearly a balance is needed. The CIA should get, as Bell wants, a tool to prevent malcontents from spilling legitimate secrets. At the same time Congress must ensure that honest whistle-blowers can inform its oversight committees if certain CIA activities go rotten, as they did in the past.

File